

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff(s),

vs.

JOHN R. STEFFEN,

Defendant(s).

Case No. 4:11CR124 JCH

ORDER

This matter is before the Court on Defendant's pre-trial Motion to Dismiss Indictment for Failure to State an Offense (ECF No. 30), and Motion to Dismiss based on Law of the Case and Collateral Estoppel (ECF No. 32). Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Mary Ann L. Medler, who filed a Report and Recommendation on August 15, 2011. (ECF No. 45). Magistrate Judge Medler recommended that the Court grant Defendant's Motion to Dismiss Indictment for Failure to State an Offense, and dismiss the Indictment. She further recommended that the Court deny Defendant's Motion to Dismiss based on Law of the Case and Collateral Estoppel.

On September 7, 2011, the Government filed a Motion for Reconsideration of Report and Recommendation. (ECF No. 53). After extensive briefing and oral arguments, Magistrate Judge Medler issued a Second Report and Recommendation on November 21, 2011, in which she recommended that the Motion for Reconsideration be denied. (ECF No. 65). Both sides objected to the second Report and Recommendation. (ECF Nos. 66-68).

After de novo review of the entire record in this matter, the Court adopts the Magistrate Judge's recommendations.

Accordingly,

IT IS HEREBY ORDERED that the Reports and Recommendations of the United States Magistrate Judge [ECF Nos. 45, 65] are **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss Indictment for Failure to State an Offense [ECF No. 30] is **GRANTED**, and the Indictment in this matter [ECF No. 1] is **DISMISSED**.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss based on Law of the Case and Collateral Estoppel [ECF No. 32] is **DENIED**.

IT IS FURTHER ORDERED that the Motion of the United States for Reconsideration of Report and Recommendation [ECF No. 53] is **DENIED**.

Dated this 14th day of December, 2011.

/s/Jean C. Hamilton

UNITED STATES DISTRICT JUDGE